

12.08.2025
Item no.36
Ct. No. 29
BD.
(ALLOWED)

C.R.M. (NDPS) 939 of 2025

In Re:- An application for bail under section under section 439 of the Code of Criminal Procedure, 1973: corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with P.T.N. No. 2632 of 2025 arising out of Howrah Police Station Case No. 221 of 2025 dated 18/05/2025 under sections 20(b)(ii)(B)/29 of the NDPS Act, 1985.

In the matter of : **Subhasis Bera @ Subhasish Bera & Anr.** Petitioners.

Mr. Soumya Basu Roy Chowdhury
... for the petitioners.

Mr. Antarikshya Basu
Mr. Debanik Das ... for the State.

Prosecution case is that 9.800 Kgs. of ganja was recovered from the joint possession of the present petitioners.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are in custody for about 85 days and the charge-sheet has already been submitted on 15th July, 2025 and therefore further detention may not be required and they may be released on bail on any terms and conditions.

Mr. Basu, learned counsel appearing on behalf of the State opposed the bail prayer. However, in his usual fairness he submits that recovery of contraband substance involved in the instant case is much below the commercial quantity and as such he leaves the prayer to the discretion of the court.

Having heard the submissions made on behalf of the petitioners and the State and that the contraband allegedly recovered from the petitioners involved intermittent quantity and that investigation has already been culminated into a charge-sheet and that rigour of section 37 of the NDPS Act, does not attract in respect of the present petitioners the prayer for bail made by the petitioners is allowed.

Accordingly, the petitioners namely, (1) **Subhasis Bera @ Subhasish Bera** (2) **Santu Dey**, shall find bail of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Additional Chief Judicial Magistrate, Howrah, District- Howrah, and also on condition that the petitioners shall not leave the geographical limit of District- Howrah, without the leave of the trial court.

It is further ordered that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their cell phone numbers to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The

petitioners shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, C.R.M. (NDPS) 939 of 2025 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)